IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

Bail Appl..No. 6787 of 2007()

AGAINST THE ORDER DATED 28/09/2007 IN CRMP.228/2007 IN SC.214/2004 of SUB COURT, MAVELIKKARA
CR. NO.103/02 OF MAVELIKKARA EXCISE RANGE.

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PETITIONER : ACCUSED:

BHARGAVAN, S/O.KUNJU PILLAI,
SURESH BHAVANAM, NADUVILE MURI, NOORANADU.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA, REPRESENTED
BY THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6787 OF 2007

Dated this the 13th day of November, 2007

ORDER

Application for regular bail. The petitioner faces indictment in a prosecution under the provisions of the Kerala Abkari Act. He was allegedly found to be in possession of 750 ml. of arrack. Investigation is complete. The case has been committed to the Court of Session. The matter stood posted for trial to 4/9/07 and 5/9/07. The accused was not present. He was not represented also. A warrant of arrest has been issued. The petitioner later surrendered on 28/9/07. He continues in custody from that date. The learned Assistant Sessions Judge dismissed his application for regular bail apprehending that the petitioner may not be available for trial later. Accordingly, he continues in custody from that date.

2. A report of the learned Assistant Sessions Judge was

called for. The matter stands listed for trial to 29/11/07. The learned counsel for the petitioner submits that the petitioner shall co-operate with the court for the expeditious disposal of the case. He shall get ready for trial on 29/11/07. His detention in custody is unnecessary. In these circumstances, subject to any appropriate terms and conditions, the petitioner may be enlarged on bail, it is prayed.

3. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor only submits that the presence of the petitioner, who has once absconded, may be scrupulously insisted and enforced.

4. Having considered all the relevant circumstances, I am satisfied that a lenient view can be taken and the petitioner can be released on bail subject to appropriate terms and conditions.

5. **In the result:**

(a) The application is allowed.

(b) The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Assistant Sessions Judge.

(ii) Until the case against him is finally disposed of, the

petitioner shall not leave the Sessions Division of Alappuzha, without the prior permission of the learned Assistant Sessions Judge.

(iii) He shall report before the Mavelikkara Excise Range Officer between 4 p.m. and 5 p.m. on all Sundays until the case against him is finally disposed of.

6. Hand over a copy of this order to the learned counsel for the petitioner.

(R. BASANT, JUDGE)

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